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IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 7671 of 1990

For Approval and Signature:

HON'BLE MR.JUSTICE K.S.JHAVERI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

SAGARBHAI GANESHBHAI RABARI

Versus

UKERDI GANOTIA SAHKARI KHETI AND GOPALAK MANDALI LTD.

Appearance:

1. Special Civil Application No. 7671 of 1990

MR JA ADESHRA for Petitioner No. 1

NOTICE SERVED for Respondent No. 1

CORAM : HON'BLE MR.JUSTICE K.S.JHAVERI

Date of decision: 02/12/2004

ORAL JUDGEMENT

1. The petitioner herein have prayed to quash and set aside the judgment and order dated 28/09/1990, at

Annexure-A to the petition, passed by the Gujarat State Co-operative Tribunal, Ahmedabad, in Revision Application No.81 of 1990, whereby the Tribunal had quashed the order of the Board of Nominee's Court, below exh.6, in Lavad Case No.3419 of 1989.

2. While admitting the matter, this Court had stayed the impugned order dated 28/09/1990 passed by the Gujarat State Co-operative Tribunal, Ahmedabad. Therefore, all throughout, the order of the Board of Nominee's Court granting stay in favour of the petitioner has continued.

3. Now, since the proceedings before the Board of Nominee's Court are at an interlocutory stage, ends of justice would be met, if the suit being Lavad Suit No.3419 of 1989 pending before the Board of Nominee's Court is expedited. Hence, the Board of Nominee's Court is directed to hear the suit being Lavad Suit No.3419 of 1989 pending before it and to dispose it of within a period of six months from the date of receipt of writ of this order. Parties to the suit are directed to maintain status quo, till the said suit is finally disposed of by the Board of Nominee's Court.

4. With the above directions, the petition stands disposed of. Rule is made absolute to the above extent.

(K. S. Jhaveri, J.)

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